***THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

***W.P.No.20760 of 2005***

***Date:17.10.2005***

Mohd. Ghousuddin

--------PETITIONER

The Depot Manager

---------RESPONDENT

**ORDER:**

The petitioner challenges the proceedings of the Depot Manager, Falaknuma Depot, dated 26.04.1995, whereunder the punishment of stoppage of two annual increments with cumulative effect was imposed. The main ground urged by the petitioner is that the stoppage of increment with cumulative effect is a major penalty and it can be imposed, only after conducting departmental enquiry. He places reliance upon the judgment of the Supreme Court in ***KULWANTH SINGH GILL v. STATE OF PUNJAB***.

Heard the petitioner, who appeared as party-in-person, and the learned Standing Counsel for the respondent.

On an earlier occasion, the petitioner filed a common Writ Petition No.2310 of 1998, challenging the impugned proceedings as well as other proceedings, through which similar punishment was imposed against the petitioner. The writ petition was dismissed, on the ground that common writ petition is not maintainable. The petitioner did not seek leave of the Court to file separate writ petitions.

Be that as it may, the fact remains that the impugned order was passed way back in the year 1995, and that the petitioner had since retired from service. There was enormous delay on his part even by the time he filed the earlier Writ Petition. At any rate, the petitioner had an effective alternative remedy by way of appeal to the Divisional Manager. It is submitted by the petitioner that he did not avail the remedy of appeal, on account of the strained relationship between himself, the then Divisional Manager and the Regional Manager. Whatever may have been the justification and the circumstances at the time, when the impugned order came to be passed, the position has substantially changed now.

This Court disposed of a number of Writ Petitions directing that the punishment of stoppage of increments with cumulative effect imposed by the Corporation, without conducting departmental enquiry, be converted into the one to be without cumulative effect by denying monetary benefit to the employees concerned. Such orders worked to the benefit of those employees for restoration of the benefits prospectively from the dates of order. There would not have been much difficulty in passing similar orders in favour of the petitioner, but for the fact that it does not entail in any benefit to him, since he retired from service. The only alternative for the petitioner is to avail the remedy of appeal and review before the appropriate authorities.

For the foregoing reasons, the Writ Petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal and review, as the case maybe, as provided for under the service regulations. Inasmuch as the petitioner has been pursuing the remedies all through, it is directed that if the petitioner presents an appeal within one month from today, the same shall be entertained as having been filed within the period of limitation and that the same shall be disposed of, in accordance with law. There shall be no order as to costs.

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**17.10.2005**

**Jsu**